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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Arlington, The Dalles, and Moro, Oregon,)
and Covington and Trout Lake, Washington))

MB Docket No. 02-136
RM-10458

To: Assistant Chief, Audio Division
Media Bureau

COMMENTS AND AMENDED PROPOSAL

MID-COLUMBIA BROADCASTING,
INC.

FIRST BROADCASTING COMPANY,
L.P.

J. Dominic Monahan
Luvaas Cobb Richards & Fraser, PC
777 High Street
Suite 300
Eugene, OR 97401
(541) 484-9292

Mark N. Lipp
Shook, Hardy & Bacon LLP
600 14th Street, NW
Suite 800
Washington, DC 20005
(202) 783-8400

Its Counsel

Its Counsel

SAGA BROADCASTING CORP.

Gary S. Smithwick
Smithwick & Belendiuk, PC
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016
(202) 363-4050

Its Counsel

July 29, 2002

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SUMMARY

The petitioners in this proceeding, Mid-Columbia Broadcasting, Inc. and First Broadcasting Company, L.P., are joined by Saga Broadcasting Corp. in these comments and amended proposal. By combining forces, the Joint Parties are able to achieve greater service gains and public interest benefits than originally proposed.

The Joint Parties herein propose to delete Channel 283C from The Dalles, Oregon to and allot Channel 283C2 to Kent, Washington for use by Station KMCQ. Kent, with a population of 79,524, is the largest city in Washington without local service. Although Kent is within the Seattle Urbanized Area, Kent has its own government and municipal services, media sources, and commercial establishments, and is not dependent upon Seattle for these services. The Joint Parties have provided a Tuck showing to demonstrate Kent's independence from Seattle.

To afford clear spacing to the Kent allotment, Saga wishes to change the channel of its Station KAFE, Bellingham, Washington, from Channel 282C to 281C. This change, in turn requires a change to the facilities of Station KLLM, Forks, Washington, and several changes to Canadian allotments. With respect to KLLM, the Joint Parties have entered into an agreement with the licensee regarding a change in channel from Channel 280A to 288A. The Joint Parties pledge to reimburse the licensee for its expenses.

With respect to the Canadian allotments, the Joint Parties propose certain changes to allotments in Campbell River, Powell River, and Bralorne, British Columbia. The Joint Parties furnish the statement of a Canadian engineering consultant indicating the feasibility of these changes and their acceptability to Industry Canada. The Joint Parties request that the Commission institute formal coordination procedures with Industry Canada regarding these changes. To ensure the success of the amended proposal, however, the Joint Parties also

demonstrate that protection can be afforded to the current Canadian allotments through the use of a directional antenna by Station KAFE.

The changes at The Dalles and Bellingham make it possible to allot three new channels, Channel 283C1 at Moro, Oregon, Channel 261C2 at Arlington, Oregon, and Channel 226A at Trout Lake, Washington and provide a first local service to each of those three communities. In addition, these new allotments further the Commission's highest priorities by covering "white" and "grey" areas that are unserved or underserved. Overall, grant of the amended proposal will bring new FM radio service to a population of almost three million people.

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COMMENTS AND AMENDED PROPOSAL

Mid-Columbia Broadcasting, Inc. ("Mid-Columbia"), licensee of Station KMCQ(FM), The Dalles, Oregon, and First Broadcasting Company, L.P. ("FBC"),¹ the petitioners in this proceeding, are joined by Saga Broadcasting Corp. ("Saga"), licensee of Station KAFE, Bellingham, Washington (Mid-Columbia, FBC and Saga, together, "Joint Parties") to submit, by their respective counsel, comments and an amended proposal in this proceeding. By combining forces, the Joint Parties are able to better advance the Commission's allotment priorities and further improve service to the public. In support hereof, the following is shown:

I. PRELIMINARY MATTERS

1. The Joint Parties hereby request that the Commission amend the FM Table of Allotments to delete Channel 283C from The Dalles, Oregon and allot Channel 283C2 to Kent, Washington, as its first local service, and to modify Station KMCQ's license, accordingly. If the petition is granted, Mid-Columbia and FBC each states that, as the licensee, it will apply for the channel at Kent and construct the facility as authorized. In order to permit this reallocation, Saga requests that Channel 281C be substituted for Channel 282C at Bellingham, Washington, and the

¹ FBC is the holder of an option to purchase Station KMCQ.

license of KAFE be modified accordingly. Saga states that it will apply for the new channel and construct the facility as authorized. One additional channel change at Forks, Washington, will be necessary, as described below.

2. To provide service to unserved and underserved areas resulting from this reallocation, the Joint Parties request, as in the initial proposal, the allotments of Channel 283C1 to Moro, Oregon, Channel 261C2 to Arlington, Oregon and Channel 226A to Trout Lake, Washington. FBC hereby states that it will apply for these channels and construct these facilities as authorized.

3. The Commission has stated that it will “carefully review” any counterproposal filed by the initial rule making proponent, and require an explanation before accepting such a counterproposal. *Toccoa, Sugar Hill, and Lawrenceville, Georgia*, 16 FCC Rcd 21191 (2001). In this case, prior to filing the initial petition for rule making, the Joint Parties had entered into discussions regarding a channel change for Station KAFE. However, Saga’s cooperation was conditioned on the resolution of spacing issues with respect to certain Canadian allotments, as discussed more fully below. Unable to bring those issues to a favorable resolution, FBC and Mid-Columbia filed the petition for rule making. Since that time, there have been changes with regard to the Canadian channel allotments involved such that it now appears that the necessary Canadian approvals can be obtained. Accordingly, significant changes to the regulatory landscape have enabled additional population and area to be served through the present amended proposal.

4. The following table sets forth the changes to the Table of Allotments requested herein (listed alphabetically):

City	Channel	
	Existing	Proposed
Arlington, Oregon	---	261C2
The Dalles, Oregon	283C	---
Moro, Oregon	---	283C1
Bellingham, Washington	282C	281C
Forks, Washington	280A	288A
Kent, Washington	---	283C2
Trout Lake, Washington	---	226A

Each of these changes is discussed in the sections that follow.

II. STATION KMCQ, THE DALLES, OREGON TO KENT, WASHINGTON

5. The Joint Parties request that Channel 283C be deleted from The Dalles, Oregon, and Channel 283C2 be allotted to Kent, Washington for use by KMCQ. As the Technical Exhibit demonstrates, Channel 283C2 can be allotted to Kent at coordinates 47-32-39 North Latitude, 122-06-32 West Longitude in compliance with the Commission's spacing rules, provided that Station KAFE changes from Channel 282C to 281C as described below. *See* Figure 1A. From the proposed transmitter site, KMCQ will place a 70 dBu contour over the entire community of Kent. *See* Figure 1B. The number of persons within the KMCQ 1 mV/m contour will increase from 92,556 persons to 2,963,440 persons, a net increase of 2,948,191 persons.

6. Mid-Columbia or FBC, as the licensee of KMCQ, reiterates that it will apply for Channel 283C2 at Kent and construct the facility if its application is granted.

7. The Joint Parties desire to change the community of license for Station KMCQ from The Dalles, Oregon to Kent, Washington under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("Community of License"). There, the Commission stated that a station may change its community of license without subjecting the licensee to other expressions of interest if (1) the

proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 283C2 at Kent is mutually exclusive with the current use of Channel 283C at The Dalles. *See* Technical Exhibit, Figure 1A. Second, The Dalles will not be deprived of its only local service because it is currently served by four other stations and a vacant FM allotment on Channel 268C3.¹ Third, the provision of a first local service at Kent (2000 population 79,524) under Priority 3 will result in a preferential arrangement of allotments over the retention of numerous local services at The Dalles (2000 population 12,156) under Priority 4. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). In fact, Kent appears to be the largest community in the state of Washington without local service.

8. Kent is located within the Seattle Urbanized Area. Therefore, the Joint Parties are providing a showing according to the factors set forth in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). In making the determination whether to award an urbanized community a first local service preference, the Commission will consider the extent the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. *Id.* In this case, from the proposed transmitter site, KMCQ will place a 70 dBu contour over 79 percent of the Seattle Urbanized Area. Kent is located approximately 26 kilometers away from Seattle. *See* Technical Exhibit. The 2000 Census population of Kent (79,524) is 14 percent of the population of Seattle (563,374). These figures are similar to those of other suburban communities granted a first local preference. *See, e.g., Anniston, Alabama, et al.*, 16 FCC Rcd 3411, *recon. denied*, 2001 FCC

¹ Stations KMSW(FM) (Channel 224C3); KACI-FM (Channel 249C2); KACI(AM) (1300 kHz); and KODL(AM) (1440 kHz) are licensed to The Dalles.

Lexis 6055 (2001) and cases cited therein. In any event, the Commission has repeatedly stated that the factors of relative size and proximity are less important than evidence of independence. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995). The following analysis of the eight *Tuck* factors demonstrates the independence of Kent from Seattle.

(1) *Extent to which the residents of Kent, Washington, work in the City of Kent.* The population of Kent was 79,524 in 2000 (U.S. Census Bureau, Census 2000). This represents an increase of 109.5% from the 1990 U.S. Census figure of 37,960 for Kent. According to the 1990 U.S. Census Database, the last year for which statistics are available, 5,895 of the 21,454 workers (27.5%) worked in their place of residence. *See Exhibit 2.*

According to the Kent Chamber of Commerce, the manufacturing sector includes the Boeing Space & Defense facility in Kent. Manufacturing, wholesale, and transportation represents the foundation of the local economy. The Chamber projects that Kent's population will grow to 100,000 within the next few years and become the largest city in South King County. *See Exhibit 2.* The City of Kent has a memorandum of understanding with a developer toward the construction of a mixed used urban village in the 22.5 acre city-owned Kent Station located in downtown Kent. *See Exhibit 2.* This development should result in even more employment opportunities within the City of Kent for its residents.

(2) *Newspapers and other media that cover Kent's needs and interests.* Kent residents are served by a local newspaper, *South County Journal*. The *South County Journal* is a daily newspaper located in Kent. The newspaper began publication in 1996. According to Yvonne Manhardt of the *South County Journal* staff, the newspaper

contains local news articles on topics such as local business, local high school sports, local construction projects, community events, community calendars, workshops and articles of interests. According to Ms. Manhardt, local businesses advertise in the newspaper. *See Exhibit 2.*

The City of Kent maintains its own webpage at <www.ci.kent.wa.us>. By accessing this webpage, city residents can become aware of a wide variety of facts and events concerning Kent, including information regarding city officials, public services, public meetings, city development, city job opportunities and community events. Sample pages are attached as Exhibit 2.

(3) *Community leaders and residents perceive Kent as separate from Seattle.*

The City of Kent has its own unique identity and history that are separate from that of Seattle. Situated in the Green River Valley, Kent is a 28-square mile urban community located in King County along the Green and White Rivers. Present day Kent emerged as an agricultural area in the 1870s soon after the U.S. Government signed a treaty with the native Indian population. Kent became a major producer of hops and lettuce leading to the rapid growth of the community in the first part of the twentieth century. Although the area was prone to flooding, the construction of the Howard Hanson Dam in 1963 enabled industrial development to take place in the Kent and its emergence today as a major distribution center and center of commerce and industry. By 1970, Boeing had built its aerospace division in Kent, and three large highways connected Kent to neighboring cities. Kent was incorporated in 1890. *See Exhibit 2.*

(4) *Kent has its own local government and elected officials.* Kent's city government functions independently of any other governmental units. The City of Kent

has adopted a mayor/council form of government. The city government structure is composed of an elected mayor and seven council members, who serve four-year terms. The council president is elected by the council from within the council. The government of the City of Kent has numerous departments including city clerk, employee services, municipal court, parks, recreation and community services, finance, legal, community development, public works, fire and life safety and police. Among the services provided by the city are licensing, sewer, traffic, transportation, road maintenance, traffic, water, recycling, planning and economic development. The City of Kent government also provides for a Public Works Committee, Operations Committee, Planning Committee, and Arts Commission. The City of Kent has 826.86 budgeted positions for employment and a total budget of \$136 million for fiscal year 2002. *See Exhibit 2.*

(5) *The City of Kent has its own zip codes and separate governmental listings in the local telephone company.* The zip codes designated exclusively for the City of Kent are 98030, 98031, 98032, 98035, 98042 and 98064. *See Exhibit 2.* The U.S. Postal Service operates the three post offices in Kent: Kent Main Post Office at 10612 SE 240th Street, Downtown Finance Station at 216 West Gowe Street, and the Kent Carrier Annex Station at 24800 64 Avenue South. *See Exhibit 2.* According to the Kent Library staff, residential and business lists for the City of Kent are located in the Questdex Telephone Book, which contains a separate section for Kent City government telephone listings.

(6) *The City of Kent has its own commercial establishments and health facilities.* According to the city website, 3,854 business licenses and 1,916 building permits have been issued. A substantial number of these businesses identify with the community by using "Kent" in their name, for example: Kent Realty, Inc., Kent 6

Theaters, Kent Auto Brokers, Kent Bowl, Kent Drywall, Inc., Kent East Hill Nursery, Kent East Hill Storage, Kent Kawasaki, Inc., Kent Flora, Kent Grocery Outlet, and Kent Valley Motel. Kent retail businesses include a wide variety of companies such as Bowen Scarff Ford, Panda Motor Cars, Dan's 76, Ernie's Fuel Stop, Valley Glass Co., Paradise Landscaping, Integra Telecom, Kent TV & Appliance, Microhard Pc, Summitt Logistics, Inc., Evergreen Bookstore, Wireless Trends, Express Station Model Trains, Java Java, Hockey Moms, Video Update, Target, Circle K Food Store, and K K Food & Video. Dining establishments in Kent include: Azteca Mexican Restaurant, Bittersweet, Cave Man Kitchens, Golden Steer Restaurant, Moonraker Sports Bar & Grille and Skipper's Seafood'n Chowder. The following hotels and motels are located in Kent include: Birdhouse Cottage, Comfort Inn, Century Motel, Sunset Motel, and New Best Inn. Banking services are provided by the Bank of America, Charter Bank, Columbia Bank, Washington Mutual and Pacific Northwest Bank. *See Exhibit 2.*

A number of health care providers are located in the City of Kent. *See Exhibit 2.* Medical services are available for community residents from many local doctors, some of whom practice with the following groups: Kent Urgent Care, Kent Vision Clinic, Kent Primary Care, Kent Foot Care Center, Valley Medical Center and Kent Community Health Center. Dental care is provided by Kent Hill Dental Center, Panther Lake Dental and Kent Dental Center, as well as by various other local dentists. Veterinary services may be obtained from Animal Clinic of Kent.

Kent is also home to a number of religious organizations, such as Church of Christ at Kent, Calvary fellowship of Kent, First Baptist Church of Kent, Islamic Center

of Kent, Grace Brethren Church of Kent, Kent Covenant Church, Kent Lutheran Church, Holy Spirit Church, and Kent United Methodist Church. *See Exhibit 2.*

Civic organizations and clubs in Kent include the Kent Chamber of Commerce, Kent Lions Club, Kent Downtown Merchant Association, Kent Rotary Club, Kent Sister City Association, Kent American Legion Post 15, and Kiwanis Club of Meridian-Kent. *See Exhibit 2.* Community activities and events include Kent Cornucopia Days, Kent Boy Scout Troop 474, Annual Canterbury Faire, Summer Concert Series, Spotlight Series, Kent Market and the Annual Forth of July Splash. *See Exhibit 2.*

Operated by the Greater Kent Historical Society and owned by the City of Kent, the Greater Kent Historical Museum is located in downtown Kent in the First Avenue Historical District. The museum is devoted to local history and collecting and preserving local artifacts of historical importance. The Kent Arts Commission Gallery is located in the Kent City Hall and is devoted to artwork by local artist. *See Exhibit 2.*

(7) *Kent is a separate and distinct advertising market from Seattle.* According to Ms. Manhardt of the *South County Journal*, businesses in Kent advertise in the *South County Journal*, which enables them to reach the residents of Kent and does not involve Seattle media sources. According to Ms. Manhardt, Kent businesses advertise predominantly with the newspaper. Residents may also access the City's webpage to learn about community events and news. Thus, the residents of Kent do not travel to Seattle or seek out other media sources in order to find what is happening in their community. *See Exhibit 2.*

(8) *The City of Kent has its own library and its police and fire protection are provided independent of any other jurisdiction.* The King County Library system operates

the Kent Regional Library that serves the local Kent population. The Kent Library is open seven days a week. It has computer and Internet access, meeting rooms, a video and book-on-tape collection and a career reference center. The library has several programs for children and adults that are held several times during a week. *See Exhibit 2.*

Education for the children residing in the City of Kent is provided by the Kent School District, Federal Way Public Schools and several private schools. The Kent School District is headquartered in Kent. The Kent School District Board of Directors consists of five members elected by registered voters of Kent District and hold office for a term of four years. There are twenty-one public elementary schools, four public middle schools and three public high schools located in Kent. *See Exhibit 2.*

The City of Kent maintains its own police and fire departments. The Kent Fire Department is headed by a fire chief and staffed by 177 professional volunteer and paid personnel, and provides a combination of fire and emergency medical service. The Kent Fire Department has seven stations located throughout the city. The department provides fire, search and rescue, HAZ-MAT, extrication, suppression, investigations and fire prevention. The Kent Police Department is composed of 127 commissioned police personnel, 36 noncommissioned police personnel, over 50 volunteer personnel and 27 corrections personnel. The department has a headquarters, a station, a training center, three substations and a corrections facility. *See Exhibit 2.*

The City of Kent has a full range of parks and recreation services that are available to the residents of Kent. The city operates a senior center, recreation center and a city golf complex. Many sports programs are offered through the Parks, Recreation & Community Services Department, such as tennis, soccer, softball, baseball and

basketball. The City maintains 1,348 acres of parkland, 68 parks and 20 miles of trails. The parks and athletic complexes located throughout the city that have playgrounds, bike, exercise and hiking trails, picnic areas, baseball/softball and soccer fields, basketball and tennis courts and volleyball. *See Exhibit 2.*

III. STATION KAFE, BELLINGHAM, WASHINGTON

9. As discussed above, in order to allot Channel 282C3 to Kent, Station KAFE must change channel from Channel 282C to 281C. Channel 281C can be allotted to Bellingham in compliance with the Commission's spacing rules provided that a channel substitution is made at Forks, Washington, and provided that short spacings to three Canadian allotments are resolved as discussed below. *See Figure 2A.* Saga, the licensee of KAFE, as one of the Joint Parties, hereby states that it will file an application for Channel 281C and construct the facility if granted.

10. The allotment of Channel 281C at Bellingham is short spaced to Station CHQM-FM, Vancouver, British Columbia. The Joint Parties request that the Channel 281C allotment be coordinated with Canada as a specially negotiated short-spaced allotment. The attached Technical Narrative demonstrates that there will be no overlap between CHQM-FM's protected contour (58 dBu) and the proposed Channel 281C's interfering contour (98 dBu) within Canada. As such, this allotment complies with the U.S.-Canadian treaty.² *See Figures 2B-F.*

11. The allotment of Channel 281C at Bellingham also would be short spaced to two vacant Canadian allotments, Channel 280A at Powell River, B.C. and 281A at Bralorne, B.C. The Joint Parties have contracted with a Canadian engineering consulting firm to propose an arrangement of allotments that would be acceptable to Canadian government. The consultant's

² *See Working Arrangement for Allotment and Assignment of FM Broadcasting Channels under the Agreement between the Government of the United States of America and the Government of Canada relating to the FM Broadcasting Service (Feb. 25, 1991, amended July 9, 1997).*

report is attached. That report states that the proposed plan will “comply with all international and domestic requirements.” *See* Exhibit 3. With respect to Powell River, the Joint Parties propose the substitution of Channel 291B for Channel 280A. In addition, Channel 268B would be substituted for Channel 298B at Campbell River, B.C. The Joint Parties hereby request that the Commission formally coordinate the channel substitution with Industry Canada. With respect to Bralorne, the Joint Parties provide an engineering study demonstrating that due to significant terrain blockage, no actual interference will occur to a facility operating on Channel 281A at Bralorne. *See* Exhibit 3. This study supports a waiver of the treaty requirement, and the Joint Parties request that the Commission also formally coordinate this request as a waiver of the treaty with respect to Channel 281A at Bralorne with Industry Canada.

12. Based on the Canadian consultant’s opinion and based on discussions this consultant has had with Canadian officials, the Joint Parties believe the Canadian government will accept this plan. However, should the Commission decide not to send this plan to Canada for any reason, the Joint Parties propose to protect the Canadian allotments through the use of a directional antenna for KAFE. A directional antenna pattern can be designed that complies with the requirements set forth in the U.S.-Canadian treaty, and affords protection to the Canadian allotments as permitted therein. *See* Technical Exhibit, Figures 2C-2D.

IV. STATION KLLM, FORKS, WASHINGTON

13. In order to allot Channel 281C to Bellingham, Channel 280A must be deleted at Forks, Washington. The Joint Parties propose to allot Channel 288A at Forks for use by Station KLLM. Channel 288A can be allotted at the current KLLM reference coordinates with no further changes. *See* Technical Exhibit, Figure 3. The licensee of KLLM, Alco Services, Inc., has furnished a statement consenting to the change in channel. *See* Exhibit 1. FBC, one of the

Joint Parties, has entered into an agreement with the licensee regarding the channel change, and hereby states that it will reimburse the licensee for its expenses in making the change.

V. NEW ALLOTMENTS AT MORO AND ARLINGTON, OREGON, AND TROUT LAKE, WASHINGTON

14. As shown in Figure 7, a portion of the loss area will receive fewer than 5 aural services. In order to provide service to this underserved area, the Joint Parties propose to allot Channel 283C1 to Moro, Oregon, Channel 261C2 to Arlington, Oregon, and 226A at Trout Lake, Washington and provide a first local service to each of those communities. *See e.g., Anniston, Alabama, et al.*, 15 FCC Rcd 9971 (2000); *recon. denied*, 16 FCC Rcd 3411 (2001); *app. for review pending*. These new allotments will provide service to areas where there currently is no aural service or only one aural service (white or grey areas). As a result of these allotments, 1,362 persons will receive a second aural service (Priority 2) and 58 persons will receive a first aural service (Priority 1). See Figures 7-9. This complies with Commission policy in *Old Forge and Newport Village, New York*, 13 FCC Rcd 14001 (1998) (reallotment approved where unserved and underserved areas were unpopulated). *See also Littlefield, Wolfforth and Tahoka, Texas*, 12 FCC Rcd 3215 (1997), *recon. granted*, 15 FCC Rcd 5532 (2000).

15. FBC, as one of the Joint Parties, hereby reiterates that it will apply for Channel 283C1 at Moro, 261C2 at Arlington, and 226A at Trout Lake, and construct the respective facilities if its applications are granted.

A. Moro, Oregon

16. Moro (population 337) is located in Sherman County and would receive a first local service. Channel 283C1 can be allotted to Moro consistent with the Commission's Rules. *See* Figures 4A and 4B. Moro easily satisfies the requirements of a community for allotment

purposes as demonstrated in the Joint Parties' petition for rule making. The Commission recognized the status of Moro as a community in the *NPRM*.

B. Arlington, Oregon

17. Arlington (population 524), located in Gillam County, is an incorporated community deserving of a first local service. Channel 261C2 can be allotted to Arlington consistent with the Commission's spacing rules. *See* Figures 5A and 5B. Like Moro, Arlington satisfies the requirements to be a community for allotment purposes, and its status as a community is unquestioned. *See NPRM*.

C. Trout Lake, Washington

18. Trout Lake (population 494), located in Klickitat County, would also receive a first local service. Channel 226A can be allotted to Trout Lake consistent with the Commission's spacing rules. *See* Figures 6A and 6B. The Joint Parties provided information demonstrating that Trout Lake is a community deserving of a first local service in the petition for rule making. However, the Commission has requested additional information regarding the community's government and civic organizations. *See NPRM*.

19. Trout Lake is governed by an elected community council, currently chaired by Ken Belieu. The council is recognized by the Klickitat County government. Trout Lake has its own its own grade and high schools, as well as its own school district, which in turn are governed by its school board. The Trout Lake School District is served by a local Parent-Teacher Association which also serves as the Booster Club for the schools. The Trout Lake community is served by a volunteer fire department governed by a board of fire commissioners. The Trout Lake Fire Department is in the process of completing a new fire station. Trout Lake has its own post office and zip code – 98650. In addition to five churches, Trout Lake has the following community organizations: the Trout Lake Foundation, the Trout Lake Grange, the Trout Lake Nordic Club,

and the Trout Lake Quilter's Club. In addition there is an organized Little League (baseball), Soccer League and the Trout Lake 4-H Club. Trout Lake sponsors three annual community events, including the Trout Lake Fair (first week in August), the annual Trout Lake golf tournament and the Trout Lake Winter Carnival (January). Photographs are provided to support these statements. *See Exhibit 4.*

20. As a census-designated place ("CDP"), Trout Lake is presumed to qualify as a community for allotment purposes. *Rocky Mount, Bassett and Stanleytown, Virginia*, 10 FCC Rcd 9285 (1995); *Pierce, Texas*, 8 FCC Rcd 3528, 3530 (1993); *Arnold and Columbia, California*, 7 FCC Rcd 6302 (1992); and *Hannahs Mill and Milledgeville, Georgia*, 7 FCC Rcd 3944 (1992). The community indicia of Trout Lake are entirely consistent with other communities to which the Commission has allotted channels. *See Monahans and Gardendale, Texas*, 15 FCC Rcd 10274 (2000) (finding Gardendale had post office and zip code, local schools, churches, assorted businesses and community organizations); *Berlin and North Conway, New Hampshire*, 14 FCC Rcd 15307 (1999) (finding North Conway had post office and zip code, local police and fire departments, library, businesses, community center, and churches).

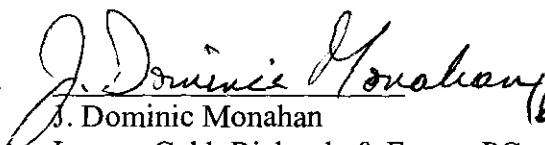
VI. CONCLUSION

The amended proposal as set forth herein would provide a first local service to Kent, Washington, the largest community in Washington without local service, and a net gain in service to nearly three million people. No community will be deprived of local service, and all loss areas will remain well served. In addition, three other communities in Oregon and Washington will receive their first local service. The Commission should immediately institute a formal process with Industry Canada to coordinate the allotment of Channel 281C at Bellingham as proposed in the Canadian consultant's report. The Commission should expeditiously grant the

Joint Parties' petition for rule making in order to realize the substantial public interest benefits to be gained thereby.

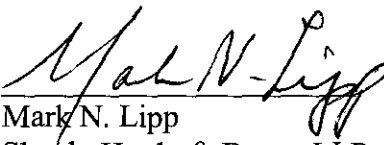
Respectfully submitted,

MID-COLUMBIA BROADCASTING,
INC.

By: 
J. Dominic Monahan
Luvaas Cobb Richards & Fraser, PC
777 High Street
Suite 300
Eugene, OR 97401
(541) 484-9292

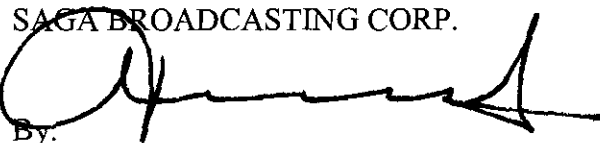
Its Counsel

FIRST BROADCASTING COMPANY,
L.P.

By: 
Mark N. Lipp
Shook, Hardy & Bacon LLP
600 14th Street, NW
Suite 800
Washington, DC 20005
(202) 783-8400

Its Counsel

SAGA BROADCASTING CORP.

By: 
Gary S. Smithwick
Smithwick & Belendiuk, PC
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016
(202) 363-4050

Its Counsel

July 29, 2002

TECHNICAL EXHIBIT
IN SUPPORT OF
COMMENTS AND COUNTERPROPOSAL
IN THE NOTICE OF PROPOSED RULE MAKING IN
MB DOCKET NO. 02-136
AMENDMENT OF SECTION 73.202(b), TABLE OF FM ALLOTMENTS
THE DALLES, OREGON AND KENT, WASHINGTON

Technical Narrative

This technical narrative and associated exhibits have been prepared on behalf of FM stations KMCQ, channel 283C, The Dalles, Oregon and KAFE, channel 282C, Bellingham, Washington and First Broadcasting Company, L.P. (herein "Joint Parties") in support of comments and a counterproposal (herein "Counterproposal") in the Notice of Proposed Rule Making in MB Docket No. 02-136 (herein "NPRM"). The NPRM proposed the reallocation of channel 283C from The Dalles, Oregon to Covington, Washington, reclassification from Class C to C3 and the modification of the license of KMCQ on channel 283C at The Dalles, Oregon accordingly (BLH-19990512KA). The NPRM also requests the allotments of channel 283C1 to Moro, Oregon, channel 261C2 to Arlington, Oregon and channel 226A to Trout Lake, Washington as first local aural service transmissions. The NPRM was issued in response to the petition for rule making (herein "Petition") filed jointly by KMCQ and First Broadcasting, Company, L.P.¹

By this instant counterproposal, the Joint Parties propose to modify their initial proposal by changing the city of license from Covington, Washington to Kent, Washington and the allotment channel from 283C3 to 283C2. In addition, it is proposed to substitute channel 281C for channel 282C at Bellingham, Washington and to modify the license of KAFE on channel 282C at Bellingham accordingly. Furthermore, it is

¹ Footnote 8 of the NPRM indicated that there may be a site obstruction in the radial path between the Covington site and the city of Covington. However, based on examination of terrain in the area and discussion with the FCC staff prior to release of the NPRM, it is apparent that the FCC's software used to analyze the terrain in this instance is incorrectly retrieving terrain. To illustrate, Figure 13 is a terrain profile based on a 3-second terrain database from the Covington site and the Covington reference point which indicates that the intervening terrain is essentially flat and that there are no major obstructions.

proposed to substitute channel 288A for channel 280A at Forks, Washington and modify the license of KLLM on channel 280A at Forks accordingly. No other changes are proposed, including no change in the proposed allotments of channel 283C1 to Moro, Oregon, channel 261C2 to Arlington, Oregon and channel 226A to Trout Lake, Washington as first local aural service transmissions.

The following is a summary of the counterproposal:

- The city of Kent, Washington (2000 Census population 79,524) will be provided with its first local aural transmission service and The Dalles, Oregon (2000 population 12,156) will not be deprived of its sole "existing" local service as there are three FM and two AM assignments at The Dalles, namely, FM stations KMSW, channel 224C3 and KACI-FM, channel 249C2, a vacant FM allotment on channel 268C3, and AM stations KACI, 1300 kHz and KODL, 1440 kHz.
- Although Kent is located within the Seattle Urbanized area as defined by the 1990 U.S. Census, as detailed elsewhere in this Petition it is believed that Kent warrants a first local service preference.
- The number of persons within the KMCQ 1 mV/m contour will increase from 92,556 persons to 2,963,440 persons, and there will be a "net" increase in 1 mV/m coverage to 2,943,191 persons.
- Moro, Oregon with a 2000 Census population of 337 persons, has no other local aural services. The Joint Parties proposal would, therefore, bring a first local aural service to Moro.
- Arlington, Oregon with a 2000 Census population of 524 persons, and has no other local aural services. The Joint Parties proposal would, therefore, bring a first local aural service to Arlington.
- Trout Lake, Washington (CDP) with a 2000 Census population of 494 persons, has no other local aural services. Joint Parties proposal would, therefore, bring a first local aural service to Trout Lake.
- The proposal will provide service to aural white area containing 58 persons and aural grey area containing 1,362 persons.
- The proposal will not create any populated aural white or grey areas.

Proposed Change in Table of Allotments

Station KMCQ is currently licensed (BLH-19990512KA) to operate on channel 283C at The Dalles, Oregon with an

effective radiated power (ERP) of 100 kW and an antenna height above average terrain (HAAT) of 609 meters. The Dalles is located in Wasco County, Oregon and has a 2000 U.S. Census population of 12,156 persons. FM stations KMSW on channel 224C3 and KACI-FM on channel 249C2 are currently licensed and/or authorized to serve The Dalles and vacant FM channel 268C3 is allotted to The Dalles. In addition, AM stations KACI on 1300 kHz and KODL on 1440 kHz are currently licensed to serve The Dalles. Therefore, adoption of the proposal will not deprive The Dalles of its sole "existing" local service. Furthermore, adoption of the Joint Parties proposal will permit the allotment of channel 283C1 to Moro, Oregon.

Kent, Washington is located in King County and has a 2000 U.S. Census population of 79,524 persons. Kent has no local FM or AM service and, therefore, Joint Parties proposal would bring first local aural broadcast service to Kent.

Station KAFE is currently licensed (BLH-4978) to operate on channel 282C at Bellingham, Washington with an ERP of 60 kW and an antenna height above average terrain (HAAT) of 704 meters. In order to effectuate the channel 283C2 allotment at Kent, it is proposed to substitute channel 281C for channel 282C at Bellingham, Washington and to modify the license of KAFE on channel 282C at Bellingham accordingly. No change in the licensed KAFE facilities (ERP 60 kW/HAAT 704 meters) is proposed.

Station KLLM is currently licensed (BLH-19910401KA) to operate on channel 280A at Forks, Washington with an ERP of 3 kW and an antenna height above average terrain (HAAT) of -23 meters. In order to effectuate the channel 281C allotment at Bellingham, it is proposed to substitute channel 288A for channel 280A at Forks, Washington and to modify the license of KLLM on channel 280A at Forks accordingly.

Moro, Oregon is located in Sherman County and has a 2000 U.S. Census population of 337 persons. Moro has no local FM or AM service and, therefore, the Joint Parties proposal would bring first local aural broadcast service to Moro.

Arlington, Oregon is located in Gilliam County and has a 2000 U.S. Census population of 524 persons. Arlington has no local FM or AM service and, therefore, The Joint Parties proposal would bring first local aural broadcast service to Arlington.

Trout Lake, Washington is located in Klickitat County and has a 2000 U.S. Census population of 494 persons. Trout Lake has no local FM or AM service and, therefore, the Joint Parties proposal would bring first local aural broadcast service to Trout Lake.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
The Dalles, Oregon	224C3, 249C2, 268C3, 283C	224C3, 249C2 268C3
Kent, Washington	--	283C2
Arlington, Oregon	--	261C2
Moro, Oregon	--	283C1
Bellingham, Washington	225C, 282C	225C, 281C
Forks, Washington	280A	288A
Trout Lake, Washington	--	226A

Compliance With FCC Rules

The attached Figure 1A is a tabulation of required separations pertinent to use of channel 283C2 at Kent. The reference site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments with the exception of KAFE on channel 282C at Bellingham, Washington. However, it is proposed to substitute channel 281C for channel 282C at Bellingham and modify the license of KAFE, accordingly, which will eliminate this short-spacing. Operation from the reference site will provide the requisite city grade signal to all of Kent.²

² The reference site is an existing tower (tower registration number 1033375).